

## **REMARKS**

### **Reconsideration And Allowance Are Respectfully Requested.**

Claims 1 – 3 have been cancelled. New claims 4 – 23 are presently pending. Amendments have been introduced to the specification and Drawings. No new matter has been added. Reconsideration is respectfully requested.

The gist of the present invention as set forth in the broadest claim, claim 4, relates to an extendable structure comprising a pair of box-type frames, located one within the other, wherein the extendable structure may be extended along rails that are parallel to one another and wherein the outer frame has a leg located at each corner thereof and the inner frame has a pair of legs at one end of the rails thereof, wherein said pair of legs are outside of the outer frame to enable said inner frame to be adjusted to change the length of the structure. In so doing the structure becomes expandable whereby additional platters or trays may be stored therein.

In the January 16, 2003 Non-Final Rejection, the Examiner indicated there was allowable subject matter. The Examiner indicated that assuming the applicant addressed the 35 U.S.C. 112 rejections, the following allowable subject matter would be permitted:

“An extendable structure comprising a pair of box-type frames, one located within the other, wherein each frame has four rails that are parallel to each other with the rails of the inner frame being parallel to the rails of the outer frame and in direct vertical alignment therewith; wherein the outer frame has a leg located in each corner thereof and the inner frame has a pair of legs at one end of the rails thereof, where said pair of legs are outside of the outer frame to enable said inner frame to be adjusted to change the lengths of said structure.”

The Examiner indicated that the prior art of record neither taught nor suggested such a structure. Accordingly, independent new claim 4 substantially repeats verbatim the allowable

subject matter indicated by the Examiner. Claims 5 through 17 are dependent upon claim 4 and therefore all of claims 4 – 17 are in allowable condition.

New claim 18 is a method claim for retaining a plurality of platters/trays in an upright position within the structure. Claims 19 – 23 are dependent thereupon.

It is believed that none of the prior art made of record teaches or discloses the method of storing such platters and trays and therefore claims 18 – 23 are allowable over the prior art.

All of the other informalities and objections raised by the Examiner are believed to have been addressed in light of the amendments to the application. The Examiner's attention is directed to the drawings which are also compliant with Patent Office rules and regulations and overcome the objections raised by the Examiner as to the information of the original drawings.

## **DISCUSSION OF PRIOR ART**

The Examiner makes reference to the McNamara (5,421,646) and West (D455,585 S) references, to further illustrate the current state of the art of expandable platter/tray structures. It is emphasized that the Examiner does not reject any of the claims based upon this art. However, applicant notes the following:

### **The McNamara Reference:**

This specifically relates to a “legless shelf assembly” which is used in a locker to provide support for articles to be stored in a locker. Accordingly, this reference teaches away from the claimed structure which relates to a storage device for platters and trays, and wherein the outer frame of the structure has a leg located at each corner thereof and the inner frame has a pair of legs at one end of the rails thereof, and wherein the pair of legs are outside of the outer frame to enable the inner frame to be adjusted so as to change the length of the structure. Since McNamara teaches a locker support for articles and a “legless assembly”, on either basis this reference in no way, shape or form reads upon the claims of the subject invention.

### **The West Reference**

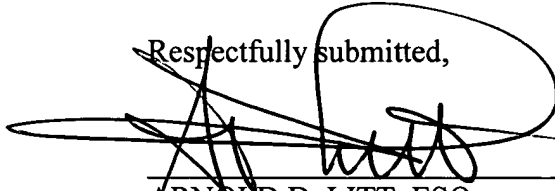
This is merely a design patent which shows an expandable shelf. The embodiments reflected in Figures 1 – 11 are in no way anticipatory of the claimed invention.

The Examiner has not rejected any of the claims based upon the above references, but a consideration of those references clearly indicates that they are not relevant to the claimed invention. Accordingly, allowance of the claims is hereby requested.

### CONCLUSIONS

Although the pro se applicants have previously provided these amendments to the Examiner, in one form or another, in light of applicant's Petition For Revival of the Abandoned Application, a repetition of the amendments may be useful for the Examiner's reconsideration. The claims presently pending are in condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Arnold D. Litt', is written over a horizontal line. The signature is stylized and somewhat cursive.

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